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MOTOROLA, INC.
LAW DEPARTMENT
1303 E. ALGONQUIN ROAD
SCHAUMBURG, IL 60196

EXAMINER

YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/788,759

Applicant(s)

OXLEY ET AL.

Examiner

Janelle N. Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-26, 33-38 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-26, 33-38 and 41-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 19-21 recites the limitation "as claimed in claim 18" in the first line. There is insufficient antecedent basis for this limitation in the claim. (**Note:** Claim 18 has been cancelled by applicant, therefore cannot have any dependents.)

Response to Arguments

2. Applicant's arguments with respect to claims 1-16, 19-26, 33-38, and 41-51 have been considered but are moot in view of the new ground(s) of rejection.

Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Abstract of Toyryla et al.), the method for dynamic group call comprising the steps of: specifying additional group definition information; such as security parameters and group management; which can be interpreted as a predetermined limit as to a number of second users permitted to join the group. In addition, Toyryla et al. discusses membership management, establishing optional additional information for the group definition information. This optional additional group definition information can vary from security parameters; such as monitoring the number of members in the dynamic talk group, a closed user group, etc. chosen by the user (Abstract; Col. 2, lines 55-64; Col. 3, line 54-Col. 4, line 26; Col. 5,

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line 35-Col. 6, line 27; Col. 7, lines 29-30; Col. 8, lines 32-35; and Col. 11, lines 29-31 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is dynamic group call slots or channels.

However, Sasuta teaches a method for placing a communication group call in a multiple site trunked system. Sasuta determines other sites which have a member of the group and have a channel resource; which reads on claimed call slot, available for assignment to the group call. In addition Sasuta teaches how to allocate the resource(s) to the group call when the site or database is available or not available. Another approach was to allow the requesting communication unit to override the busy condition such that the resource allocator need only address resource availability at some pre-determined, select set of sites, instead of all the sites currently supporting some portion of the group population. This has the potential to reduce wait times over that experienced by awaiting resource availability at all the populated sites for this group. (Abstract; Col. 1, lines 7-9 & 20-49; Col. 1, line 60-Col. 2, line 30; Col. 2, line 51-Col. 3, line 8; Col. 3, lines 31-61; and Col. 4, lines 26-40 of Sasuta).

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 and 44-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyryla et al. (US Patent 6999783).

As for claim 1, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Abstract of Toyryla et al.), the method for dynamic group call comprising the steps of:

specifying additional group definition information; such as security parameters and group management; which can be interpreted as a predetermined limit as to a number of second users permitted to join the group; (Abstract; Col. 2, lines 55-64; Col. 3, line 54-Col. 4, line 26; Col. 5, line 35-Col. 6, line 27; Col. 7, lines 29-30; Col. 8, lines 32-35; and Col. 11, lines 29-31 of Toyryla et al.);

dynamically selecting by the first user without the network a selected user for inclusion in the group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.);

determining whether a number of selected second users is within a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.); and

if the number of selected second users is within the predetermined limit, adding by the first user the selected user to the group [[a list]] of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.).

As for claim 2, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of determining by the first user that the member is to be added to the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 3, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the number of selected second users is not within the predetermined limit, there is further included a step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line 3 of Toyryla et al.).

As for claim 4, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message/information; which reads on claimed group/member ID (identification), by the first user the second user to the network (**Note:** The Examiner has interpreted that the group/member ID (identification) is being transmitted) (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 5, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is

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further included a step of storing the member in a database corresponding to the dynamic group call (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 6, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of creating the network a group identity (Col. 5, lines 8-34 in respect to Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 7, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, the method for dynamic group call comprising the steps of:

specifying a predetermined limit as to a number of second users permitted to join the group;

dynamically selecting by the first user without the network or the server, a selected [[the]] group of second users (Abstract; Col. 3, lines 3-5 of Toyryla et al.);

determining whether a number of the selected group of second users is within a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.); and

if the number of selected second users is within the predetermined limit, adding by the first user the selected group of second users (Abstract and Col. 4, lines 4-44 of Toyryla et al.).

As for claim 8, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is

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further included a step of determining by the first user that the member is to be added to the group of second users (Col. 4, lines 4-44 of Toyryla et al.).

As for claim 9, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the number of selected second users is not within the predetermined limit, there is further included a step of providing a message to the first user indicating a fault (Col. 3, line 54-Col. 4, line 3 of Toyryla et al.).

As for claim 10, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of adding by the first user includes a step of transmitting the group definition message; which reads on claimed group/member ID (identification) or list of second users, by the first user to the selected second user and to the network (**Note:** The Examiner has interpreted that the group/member ID (identification) is being transmitted) (Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 11, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of storing the group of second users in a database (Col. 5, lines 8-34 in respect to Col. 2, line 31-Col. 3, line 53 of Toyryla et al.).

As for claim 12, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of creating the network a group identity (Col. 5, lines 45-51 and Col. 9, lines 16-22 of Toyryla et al.).

As for claim 13, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of determining whether a number of users exceeds a predetermined limit (Col. 7, lines 29-30 and Col. 11, lines 13-33 of Toyryla et al.).

Regarding claim 44, see explanation as set forth regarding claim 1 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 45, see explanation as set forth regarding claim 2 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 46, see explanation as set forth regarding claim 3 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 47, see explanation as set forth regarding claim 7 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 48, see explanation as set forth regarding claim 8 (method claim) because the claimed method for dynamic group call from a first user to a group of

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second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 49, see explanation as set forth regarding claim 9 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 50, see explanation as set forth regarding claim 10 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Regarding claim 51, see explanation as set forth regarding claim 11 (method claim) because the claimed method for dynamic group call from a first user to a group of second users via a network including a server, in a first mobile device, would perform the method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-16 & 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Sasuta (US Patent 5513381).

As for claim 14, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, the method for dynamic group call comprising the steps of:

dynamically sending a list complete message by the first user to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.);

validating by the network a dynamic group call list associated with the list complete message, by validating the dynamic group call list for the first user and for each of the second users (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 31-Col. 7, line 26 with respect to Col. 9, lines 28-35 of Toyryla et al.); and

if the dynamic group call list is invalid, providing a message by the network to the first user that a failure has occurred (Col. 3, line 54-Col. 4, line 3 with respect to Col. 9, lines 28-35 and Col. 11, lines 3-34 of Toyryla et al.); and

if the dynamic group call list is validated, storing a dynamic group call identity by the first user (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is dynamic group call slots or channels.

However Sasuta teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included

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steps of: determining by the network whether group call communication channel resource in the site; which reads on claimed slots are available in a database; if there are slots available, creating a unique group ID for the dynamic group call list; and if dynamic group call slots are not available, selecting by the network previously used dynamic group call slot for the dynamic group call list (Abstract; Col. 1, lines 20-40; Col. 1, line 60-Col. 2, line 30; Col. 2, line 51-Col. 3, line 8; Col. 3, lines 31-61; and Col. 4, lines 26-40 of Sasuta).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for forming a group of communication terminals out of a plurality of communication terminals through allocating to each of said terminals of said group a dynamic group address associated with a group, as taught by Sasuta, in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches talk groups being activate on the network side of the communications system at a given time (Col. 6, lines 4-27 and Col. 8, line 65-Col. 9, line 8 of Toyryla et al.).

The motivation of this combination would be to create new talk groups and/or modify group membership more dynamically and, as taught by Toyryla et al. in Col. 2, lines 8-19, because this would provide a technically simple method for creating and managing a dynamic group from mobiles. By combining the unique ID with the call slots this is further restricting access to the dynamic talk group making the talk group more secure. The incorporation of call slots with a dynamic talk group would make placing a group call in a multiple site trunked communication system and to placing a group call in a multiple site trunked communication system (Col. 1, lines 7-9 & 41-48 of Sasuta).

As for claim 15, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein the step of dynamically sending a list complete message includes the step of sending a list by the first user to the network of the group of second users (Col. 5, lines 39-45 and Col. 9, lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claim 16, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining by the network that the dynamic group call list is sent by the first user (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.); and

if the dynamic group call list is sent by the first user, storing the dynamic group call list in a database (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

As for claims 19-20, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server wherein the step of selecting by the network the previously used dynamic group call slot includes the step of selecting a least and/or first used dynamic group call slot (Col. 2, lines 59-65; Col. 6, lines 4-27; and Col. 8, line 17-Col. 9, line 8 of Toyryla et al.).

As for claim 23, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining whether the first user sent a dynamic group call list complete message; and if the first user has sent a dynamic group call list complete message, performing the steps of claims 15, 6, & 19 (Col. 5, lines 39-45 and Col. 9, lines 28-35 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

As for claims 24-25, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining by the network whether the first user has sent a member of the group of second users; if the member is valid, adding the member to the dynamic group call list; and if the member is invalid, there is further included a step of providing an indication of failure to the first user (Col. 6, line 31-Col. 7, line 15 and Col. 8, line 17-Col. 9, line 35 of Toyryla et al.).

5. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and Sasuta (US Patent 5513381) as applied to claim 14 above, and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 21, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of: determining by the network whether the first user has requested an dynamic group call; and if the first user has requested a dynamic group

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call, initiating the group call to each of the group of second users (Col. 6, lines 4-27; Col. 7, lines 16-26; and Col. 11, lines 3-12 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is starting the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user an indicator to the server through the network to start the dynamic group call immediately; and starting the dynamic group call immediately by the network (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches an indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al., because this would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically

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determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

As for claim 22, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the first user has not requested an immediate group dynamic call, the network sends a group identification to the first user (Col. 2, line 31-Col. 4, line 14 of Toyryla et al.).

6. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 26, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of:

dynamically sending by the first user a dynamic group call list of the group of second users to the server through the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.);

dynamic group call list complete message to the network (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14 of Toyryla et al.).

validating by the network the dynamic group call list (Col. 6, line 31-Col. 7, line 15 of Toyryla et al.); and

selecting by the network a time to live parameter corresponding to the dynamic group call list; receiving the time to live parameter from the first user; and selecting by the network the time to live parameter based on network parameters (Col. 9, line 63-Col. 10, line 29 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is starting the dynamic group call immediately by the network.

However Chandhok et al. teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: sending by the first user a dynamic group call list complete message and an indicator to the server through the network to start the dynamic group call immediately; and starting the dynamic group call immediately by the network (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et

al., because Toyryla et al. already teaches an indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al., because this would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. The group of service providers is dynamically determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

7. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and Sasuta (US Patent 5513381) and further in view of Chandhok et al. (US Patent 2004/0198376).

As for claim 33, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server (Col. 5, lines 39-45 in respect to Col. 2, lines 59-64 and Col. 3, lines 8-14) and sending, by the network, a dynamic group call identity to each of the group second users and to the first, an identity

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of the first user to the second users, and a time to live parameter to each of the group of second users and to the first user (Col. 4, line 22-53; Col. 5, lines 45-51; Col. 9, lines 16-22; and Col. 9, line 63-Col. 10, line 29 in respect to Col. 2, line 31-Col. 3, line 53 and Col. 6, line 31-Col. 7, line 15 of Toyryla et al.).

What Toyryla et al. does not explicitly teach is starting/launch the dynamic group call immediately by the network.

However Chandhok et al. teaches a dynamic group talk that is dynamically sending by the first user a dynamic group call list of the group of second users to the server through the network and sending by the first user an indicator to the server through the network to start the dynamic group call immediately (Page 4, Para 0035-0038 with respect to Page 1, Para 0007 and Page 4, Para 0039 of Chandhok et al.).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method and apparatus for joining a requester of a desired service to a local group of providers for the desired service allows the requester of the desired service to instantly get in touch with the local group of providers for the desired service, as taught by Chandhok et al., in the dynamic talk group of Toyryla et al., because Toyryla et al. already teaches an indication that is a request to join dynamic talk group and sending group activation message (Col. 6, lines 4-27 and Col. 11, lines 3-12 of Toyryla et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and

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reliable from the user's point of view. The group of service providers is dynamically determined based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). The incorporation of multi-point communication systems with dynamic talk group would allow a user to quickly access or join communication device to a group of service provider in the global communication network (Page 1, Para 0006-0008 of Chandhok et al.).

As for claim 34, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining whether each of the group of second users and the first user are valid; and if each of the group of second users and the first user are invalid, there is further included a step of providing an indication to the first user (Col. 3, line 54-Col. 4, line 3; Col. 6, line 31-Col. 7, line 15; and Col. 9, lines 28-35 and Col. 11, lines 3-34 of Toyryla et al.).

As for claim 35, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

determining whether the dynamic group call is presently active; and if the dynamic group call is presently active, rejoining the first user or the second users

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to the presently active call (Col. 3, line 54-Col. 4, line 3 and Col. 6, line 57-Col. 7, line 15 of Toyryla et al.).

8. Claims 36-38 & 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla et al. (US Patent 6999783) and Chandhok et al. (US Patent 2004/0198376) as applied to claim 33 above, and further in view of Sasuta (US Patent 5513381).

As for claim 36, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of adding new members; which reads on claimed expanding the dynamic group call list (Abstract; Col. 2, lines 8-10; Col. 4, lines 37-44; Col. 5, line 35-Col. 6, line 3; and Col. 8, lines 17-54 of Toyryla et al. corresponding to Page 2, Para 0022;).

What Toyryla et al. and Chandhok et al. does not explicitly teach is portion of the communication group; which reads on claimed subgroups; launching the dynamic group call to the group of second users and to the first user; and expanding a subgroup of the group of second users.

However Sasuta teaches method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included steps of: launching the dynamic group call to the group of second users and to the first user (Abstract; Col. 1, line 60-Col. 2, line 8; and Col. 2, line 51-Col. Col. 4, line 49 of Sasuta).

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate a method for placing a group call in a multiple site trunked communication system, as taught by Sasuta, in the dynamic talk group of Toyryla et al. and Chandhok et al., because they already teach a group communicating in dynamically (Abstracts of Toyryla et al. and Chandhok et al.).

The motivation of this combination would be the effect of the time it would take to create new talk groups and/or modify group membership, as taught by Toyryla et al, because the would make the dynamic talk group functionality less complex, easier and reliable from the user's point of view. In addition, Chandhok et al. teaches how a provider dynamically determine based on the current location vector of the service requester, regardless of the current location of the service requester, and without requiring the service requester to individually contact each provider of the desired service (Abstract and Page 1, Para 0005 of Chandhok et al.). Sasuta teaches the requesting communication unit needing to talk to a portion of the whole group. Sasuta also teaches a method for placing a communication unit directed group call in a manner that reduces system access time. This is achieved by excluding some communication group members from the group call while guaranteeing the inclusion of certain other communication units (i.e. targeted units). Sasuta also allows a portion of the communication group to place a group call involving a limited number of communication units, while another group call is taking place in different sites. The incorporation of multi-point communication dynamic talk group with multi-site trunked communication system would allow communicating with a communication group to not waste

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communication resources and not delay access time for small audience calls (Col. 1, lines 41-48 and Col. 4, lines 26-49 of Sasuta).

As for claim 37, Chandhok et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

after the step of launching, waiting a predetermined time for a response from at least one of the group of second users and the first user; and if the response is not received within the predetermined time, indicating a failure to the first user (Page 1, Para 0006-0008 and Page 4, Para 0035-0038 of Chandhok et al.).

As for claim 38, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein if the response is received within the predetermined time, there is further included the steps of:

confirming the dynamic group call to the first user; and interconnecting each of the group of second users and the first user for sustaining a dynamic group call (Abstract; Col. 1, lines 6-8; Col. 3, lines 22-40; Col. 4, line 64-Col. 5, line 27; and Col. 6, lines 4-14 of Toyryla et al.).

As for claim 41, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of selecting by at least one user of the group of second users

and the first user the dynamic group call for which the at least one user has the dynamic group call identity (of Toyryla et al.).

As for claim 42, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included a step of transmitting by the at least one user the dynamic group call identity to the network (Col. 2, lines 46-64; Col. 3, lines 41-53; and Col. 6, line 57-Col. 7, line 15 of Toyryla et al.).

As for claim 43, Toyryla et al. teaches a method for dynamic group call from a first user to a group of second users via a network including a server, wherein there is further included the steps of:

receiving by the network the dynamic group call identity; if the dynamic group call corresponding to the dynamic group call identity is inactive, re-establishing the dynamic call to each of the group of second users and to the first user; and if the dynamic group call corresponding to the dynamic group call identity is in progress, rejoining by the network the at least one user to the dynamic group call (Col. 2, line 46- Col. 3, line 21; Col. 3, line 54-Col. 4, line 3; Col. 6, line 57-Col. 7, line 15; and Col. 7, lines 27-54 of Toyryla et al.).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
February 5, 2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER